

REMARKS

Claims 1-12 are pending in the application and stand rejected. Claims 1 and 7 have been amended. New claims 13-14 have been added to the application. The claim amendments should in no way be construed to be acquiescence to any rejection based on alleged prior art. The amendments to the claims are made solely to expedite the prosecution of the application. Accordingly, none of the claim amendments narrow the claims as originally presented. Applicant reserves the option to further prosecute the same or similar claims in the instant or subsequent patent applications.

Rejection of Claims 1-12 Under 35 U.S.C. § 101

The Examiner has rejected claims 1-12 alleging that the subject of same does not result in a practical application forming statutory subject matter. According to MPEP 2106(IV)(C), "USPTO personnel first shall review the claim and determine if it provides a transformation or reduction of an article to a different state or thing. If USPTO personnel find such a transformation or reduction, USPTO personnel shall end the inquiry and find that the claim meets the statutory requirement of 35 U.S.C. 101." The Applicant's attorney respectfully submits that, in the instant claims, the acts of "installing a service object" or "generating an object," for example, unquestionably transform the state of a computing device (e.g., register states) such that the claims do, in fact, recite statutory subject matter. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Rejection of Claims 7-12 Under 35 U.S.C. § 101

Claims 7-12 stand rejected as being directed to non-statutory subject matter. The Applicant's attorney respectfully traverses this rejection. A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be

25315
CUSTOMER NUMBER

realized, and is thus statutory. See MPEP 2106.01 and *In re Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. As such, claims 7-12, which recite a computer-readable medium having stored thereon computer-executable instructions, are directed to statutory subject matter. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Rejection of Claims 1-11 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Schneiderman In View of Yokoyama

Claim 1

Claim 1 as amended recites executing a mobile agent object in a mobile-agent runtime environment in a host computing environment, and configuring the mobile agent object to install a service object executable in the mobile-agent runtime environment.

For example, referring, e.g., to FIGS. 2-4 and paragraphs 33-36, a delivery-mobile-agent-object 200 uses the API of a service-delivery service object 210 to install its native-service module 301, its service-object byte code 302, and its service-module runtime data 304 into a mobile-agent runtime environment 154 according to computer-executable instructions included in installation instructions 303.

As acknowledged by the Examiner, Schneiderman fails to teach installing a service object to be executable in a mobile-agent runtime environment. However, contrary to the Examiner's stated position, Yokoyama also fails in any manner to teach or suggest a mobile object capable of installing service objects, or for that matter, anything, executable in a mobile-agent runtime environment. In fact, a thorough reading of Yokoyama reveals that the Yokoyama reference fails to even so much as use the terms "install," "installation" or the like. Referring, e.g., to FIG. 2 and paragraph 45 of Yokoyama, a mobile agent 210, when traveling, executes service programs (not the same as a "service object"), collects data such as account information at each home terminal, and returns to a server 100 when its traveling is completed. There is simply no

25315
CUSTOMER NUMBER

teaching or suggestion in Yokoyama of configuring a mobile agent object to install a service object executable in the mobile-agent runtime environment. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Claims 2 and 7

Claims 2 and 7 are patentable for reasons at least similar to those discussed above with reference to claim 1.

Claims 3-6 and 8-11

Claims 3-6 and 8-11 are patentable by virtue of their respective dependencies from claims 2 and 7.

Rejection of Claim 12 Under 35 U.S.C. § 103(a) As Being Unpatentable Over Scneiderman In View of Yokoyama and Further In View of Wang

Wang fails to supply the teachings missing from Schneiderman and Yokoyama, namely a data structure comprising a first instruction set that when executed by a computing device causes the data structure to navigate from a first host computing environment to a second host computing environment having a mobile-agent runtime environment, and a second instruction set that when executed by a computing device causes the installation of a service object executable in the mobile-agent runtime environment. As such Schneiderman, Yokoyama and Wang, taken each alone or in combination, fail to teach or suggest the limitations of claim 7. Accordingly, claim 12 is patentable by virtue of its dependency from claim 7.

25315
CUSTOMER NUMBER

CONCLUSION

In view of the above, Applicant requests a finding of allowability for all pending claims. If the Examiner has any questions, the Examiner is invited to contact the undersigned. **If the Examiner does not agree with the Applicant's position that all pending claims are allowable, the Examiner is respectfully requested to contact the undersigned to arrange a telephonic discussion of the application prior to issuing an Office Action.**

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



P.G. Scott Born
Registration No. 40,523
Direct Dial: 206.957.2491

25315
CUSTOMER NUMBER

- 8 -

TPTC-I-1006ROA

BLACK LOWE & GRAHAM^{PLLC}



701 Fifth Avenue, Suite 4800
Seattle, Washington 98104
206.381.3300 • F: 206.381.3301